

## REMARKS

This is a full and timely response to the Office Action mailed on April 19, 2005 (Paper No. 20050414). Reconsideration and allowance of the application and present claims are respectfully requested.

### I. Response to Claim Rejections Under 35 U.S.C. § 102

Claims 239-278 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,880,768 to *Lemmons, et al.* Applicants respectfully traverse this rejection.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

#### A. Claims 239-249

Applicants respectfully submit that the cited references do not disclose the feature of “displaying the interactive guide, including listing in a promoted manner at least one television content instance identification in the interactive guide based on a comparison of interactive guide programming data, the at least one parameter, and the first time interval, wherein the at least one television content instance identification listed in a promoted manner is listed along with other television content instance identifications that are not listed in a promoted manner”, as recited in claim 239. Consequently, for at least this reason, among others, Applicants respectfully request that claim 239 and dependent claims 240-249 be allowed and the rejection be withdrawn.

#### B. Claims 250-260

Applicants respectfully submit that the cited references do not disclose the feature of “displaying the interactive recordings guide, including listing in a promoted manner at least one recorded television content instance identification in the interactive recordings guide based on a comparison of interactive recordings guide programming data, the at least one parameter, and the first time interval, wherein the at least one recorded television content instance identification listed in a promoted manner is listed along with other recorded television content instance identifications that are not listed in a promoted manner”, as recited in claim 250. Consequently,

for at least this reason, among others, Applicants respectfully request that claim 250 and dependent claims 251-260 be allowed and the rejection be withdrawn.

C. Canceled Claims 261-278

Claims 261-278 are canceled without prejudice, waiver, or disclaimer. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the canceled subject matter to the public.

D. Newly Added Claims 279-280

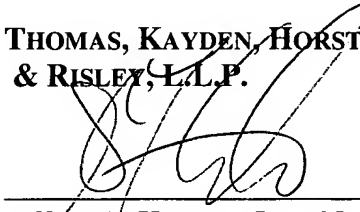
Because independent claims 239 and 250 are allowable over the cited references, newly added dependent claims 279 and 280 are allowable as a matter of law for at least the reason that newly added dependent claims 279 and 280 contain all features and elements of their respective independent base claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). Accordingly, for at least this reason, among others, Applicants respectfully request that claims 279 and 280 be allowed.

### **CONCLUSION**

Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

Applicants respectfully maintain that currently pending claims are in condition for allowance. Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, she is respectfully requested to telephone the undersigned attorney at (770) 933-9500.

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